

JOHN MCCAIN
ARIZONA

CHAIRMAN
COMMITTEE ON INDIAN AFFAIRS
COMMITTEE ON ARMED SERVICES
COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION

United States Senate

April 4, 2005

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WASHINGTON, DC 20510-0303
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SUITE 105
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407 WEST CONGRESS STREET
SUITE 103
TUCSON, AZ 85701
(520) 670-6334

TELEPHONE FOR HEARING IMPAIRED
(602) 952-0170

Ms. Laurie Sedlmayr
Congressional Liaison
Bureau of Land Management
1849 C Street NW, Room 5558
Washington, DC 20240

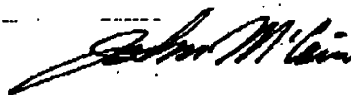
Dear Laurie:

I wish to bring to your attention the matter concerning my constituent, Maria Langer, who has encountered a problem with the Bureau of Land Management. Please investigate my constituent's claim, within the existing rules, regulations and ethical guidelines, and provide me with the final decision. MARK ALL CORRESPONDENCE TO:

Attn: Elizabeth Bledsoe
Office of Senator John McCain
407 W. Congress Street
Suite 103
Tucson, Arizona 85701

The response you provide will be most appreciated and will be forwarded to my constituent. If you should have any questions in the meantime, you can reach my office at (520) 670-6334. I look forward to your reply at your earliest convenience.

Sincerely,



John McCain
United States Senator

JM/teb
Enclosure(s)

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100-100000-0000

**Flying M Air, LLC**

32655 Homestead Drive, Wickenburg, AZ 85390
928/684-1233 (office) • 928/231-0196 (cell) • 928/684-3965 (fax)
mlanger@theflyingm.com • <http://www.flyingmair.com>

REC'D MAR 23 2005

APR 01 2005

March 3, 2005

Senator John McCain
241 Russell Senate Office Building
Washington, DC 20510

Dear Senator McCain,

I am an Arizona-based, small business owner frustrated by the red tape required to play "by the rules" of the BLM.

I operate a one-person helicopter tour business based in Wickenburg, AZ. I recently obtained my single pilot Part 135 certificate from the FAA. I am now attempting to get permits to land my four-place helicopter at various sites of interest on public land in Arizona. I want to make these remote locations accessible to people who are otherwise unable to visit them.

One of these sites is the Swansea Town Site west of Alamo Lake. A three-hour drive from Wickenburg via four-wheel-drive vehicle, it's 30 minutes away by helicopter. This site is one of the better preserved "ghost towns" in the state, with BLM markers that identify ruins and provide fascinating information. It is commonly accessed by Jeep and ATV riders and gets an average of perhaps 30 visitors a day during the cool winter months. I applied to BLM's Lake Havasu office for a special use permit that would allow me to take up to three paying passengers per flight to the site up to a dozen times a year.

As I discussed in my cover letter to BLM, a helicopter has far less impact on the terrain than the off road vehicles that commonly visit the site. The helicopter touches down on its skids and remains there until departure — no big wheels tearing up the desert. There's some noise on landing and departure and a bit of rotor wash similar to a strong gust of wind right before touch down and pick up. My Robinson R44 piston helicopter is small, so it's lightweight and relatively quiet. Swansea has many suitable landing zones, all of which are clear of vegetation, visitor activity, and delicate ruins. It seemed logical for BLM to grant my request for a permit, given that of all visitors, I'd likely have the least impact.

Evidently, logic and timeliness have no bearing on the decision-making processes at BLM's Lake Havasu office. Two months after filling in the necessary forms and submitting them with a non-refundable \$80 fee, I was asked to provide coordinates for possible landing zones. I provided them, with photographs, in less than three days. A month later, I was told that BLM needed to perform an environmental impact study of the site and would not be able to do so until October at the earliest—a full 10 months after my initial application. Throughout the process, the attitude of

the BLM officers has been hostile, negative, and threatening. I'm certain that they have already made their decision and are just hoping they can put me off until I've lost interest and given up.

This bothers me on several levels:

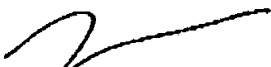
- I am a small business owner struggling to make my business grow. It's hard enough being a woman in the male-dominated aviation field, but to be road-blocked by my own government is extremely frustrating.
- I want to share public land with the public in an environmentally friendly, socially responsible way. Why can't I do this?
- BLM is willing to spend our tax dollars on an environmental impact study that will have little benefit to anyone. *This is a complete waste of money.* It also makes me wonder how else BLM wastes taxpayer dollars.
- BLM has archeologists working at the site to restore some of the buildings. They're obviously familiar with the site and the landing zones I propose and should be able to make a decision without a costly study.

The thing that bothers me the most, however, is that this is *public* land. That means it's owned by the public—you and me. BLM is limiting access to this land without good reason—and wasting taxpayer money in the process.

I realize that you have far more important matters to consider on a day-to-day basis and I appreciate you taking the time to read my letter. Although I don't expect you to help me get the permit I seek, I hope my story has helped you understand the frustrations a small business owner has to endure when dealing with the government.

It's no wonder so many business owners in situations like mine choose to break the rules rather than follow them.

Sincerely,



Maria Langer
Managing Member / Chief Pilot



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Arizona State Office
222 North Central Avenue
Phoenix, AZ 85004
www.az.blm.gov



In Reply Refer To:
1781/2931 (931)

June 10, 2005

The Honorable John McCain
United States Senator
Attn: Ms. Elizabeth Bledsoe
407 West Congress Street, Suite 103
Tucson, Arizona 85701

Dear Senator McCain:

Please accept this response to your inquiry concerning a letter submitted to you by Ms. Maria Langer, Chief Pilot, Flying M Air, LLC dated March 3, 2005. Ms. Langer expressed concern about the required time necessary to review her application for a Special Recreation Permit (43 CFR 2932). This permit enables commercial helicopter tour operations to land at Swansea Townsite, a historic property located within public lands administered by the Bureau of Land Management (BLM), Lake Havasu Field Office.

On December 6, 2004, our Lake Havasu Field Office received a letter from Ms. Langer in which she requested information on how to secure the proper permit to offer helicopter tours to Swansea Townsite. Ms. Langer was contacted by telephone and informed that the personnel necessary to process her application were unavailable pending the completion of a major land use planning effort (an office-wide Resource Management Plan). She was also informed that the only permits the office was capable of processing were renewals of existing permits. The Field Office shared with her that the issuance of a permit is contingent on the proposed use being consistent with land use planning for the area and compatible with other resources. Permits may not be issued if analysis shows the use would have adverse resource impacts, conflicts, or pose a public safety concern.

Ms. Langer made a strong appeal for the validity of her request based on visitor preferences and public need. The Field Office informed Ms. Langer that although they were currently unable to process an application from her, she could still submit an application for a permit, along with the required \$80.00 minimum annual commercial fee that was non-refundable. The application would be processed as staffing time permitted. On December 21, 2004, an application packet was mailed to Ms. Langer. It was completed and returned, and on January 10, 2005, the minimum annual commercial fee was processed.

An initial review of the application identified the need for Ms. Langer to submit precise landing locations. This is necessary to determine the required level of review necessary to assure protection of fragile ruins and standing walls at the site. On February 2, 2005, Ms. Langer's response was received, along with a map and photos of her helicopter on the ground at various

Swansea Townsite locations. The application was then completed on February 2, 2005. In accordance with regulation (43 CFR 2932.22), a completed application must be submitted to the BLM at least 180 days prior to its intended use. This allows for sufficient time, under routine circumstances, to issue or reject a Special Recreation Permit for commercial endeavors.

On February 24, 2005, in compliance with the required notification regulations (CFR 43 2932.25), a letter (copy enclosed) was sent to Ms. Langer informing her that a permit could not be issued before October 2005. Although her application was not rejected, it would remain in process until that time when environmental and cultural review of her identified landing sites could take place, as prescribed by law.

In a letter to the Lake Havasu Field Office Manager received on March 10, 2005, Ms. Langer requested information on regulations regarding the landing of helicopters on public land. On March 14, 2005, a response letter (copy enclosed) was sent to Ms. Langer discussing the policy for landing of helicopters, as well as the need to keep vehicles of any type, including aircraft, off areas of the site that contain sensitive historic structures and remains.

The Lake Havasu Field Office has and continues to work cooperatively with Ms. Langer with intent to issue a commercial use Special Recreation Permit, pending the completion of the appropriate environmental documentation, which includes on-site inspection. Unfortunately, to meet the public demand of this office to complete its major public land use planning commitments, the environmental clearances and review cannot be begin until October 2005. We understand Ms. Langer's frustration at the length of time this involves, and we will work to make the process as efficient as possible.

If you have any questions, please contact Tim Smith, Lake Havasu Field Office Manager, at (928) 505-1200.

Sincerely,



Elaine Y. Zielinski
State Director

Enclosures

cc: Your Washington Office

Lake Havasu Field Office
2610 Sweetwater Avenue
Lake Havasu City, Arizona 86406

2932 (330)

February 24, 2005

Maria Langer
Flying M Air
32655 Homestead Drive
Wickenburg, AZ 85390

Dear Ms. Langer,

This letter will acknowledge our receipt of materials needed to examine your application for a Special Recreation Permit (SRP) authorizing you to land your helicopter at or near the site of Swansea Ghost Town in order to provide tour services for commercial passengers.

A preliminary review indicates that cultural and environmental surveys, carried out as part of an Environmental Assessment (EA), are necessary. Because of current work load priorities, we are unable to conduct on site examinations before next October for this proposed activity.

You could contract with a private sector consulting firm to carry out the necessary surveys and complete the EA if you wished. The Bureau of Land Management (BLM) would have to approve the firm you selected to carry out the work and we would have to review and approve the final product submitted, but the costs would be paid by Flying M. Air.

We also note from your letter and photos that previous helicopter landings at Swansea have occurred in the past. Landings may not take place without the authorization specified in an SRP. Should you be observed landing at Swansea in the future, you may receive a citation notice for that violation, and it may be more difficult to issue an SRP to Flying M Air in the future.

If you have any questions please contact Mike Wilson at (928) 505-1222.

Sincerely,

/s/ TIMOTHY Z. SMITH

Timothy Z. Smith

2932 (330)

March 14, 2005

Maria Langer
Flying M Air LLC
32655 Homestead Drive
Wickenburg, AZ 85390

Thank you for your last letter received here March 10, 2005, in which you inquired about BLM regulations for landing a helicopter on public lands.

As far as we know there are no regulations prohibiting landing a helicopter on public land. We suppose you could, if prudent, land your helicopter wherever land vehicles such as cars and trucks park, so long as your flights are not commercial in nature, meaning, you are not charging any other person or entity a fee, nor assisting any person who has charged a fee. Our polite warning to you was intended to apply to flights in support of commercial activities.

At Swansea, your photographs revealed that in one case your helicopter landed on the other side of an earth berm purposely constructed to prevent vehicular entry. Other photos showed your air ship too close to historic structures subject to dangerous failure from engine vibrations. As a result, your ship was shown to be in locations that are also prohibited to land vehicles. Our polite warning to you was intended to apply to landings which improperly intruded into spaces also prohibited to land vehicles.

We are sure your violations were unintended, but Mr. Wilson could not know of them until viewing the photographs supplied. These factors are the reason an Environmental Assessment is required for commercial efforts whether mounted by land or by air. A safe practice at Swansea would be to simply land outside the immediate area of the town site.

In sum, you may land anywhere on public land that it is prudent to do so if commercial endeavors are not being carried out, and as long as the landing area is not otherwise closed to land vehicles, usually as a result of Wilderness designation, or because they are locations which fall within the intent of laws applicable to cultural or historic preservation.

If you have any additional concerns or questions please contact Mr. Mike Wilson at (928) 505-1222.

Sincerely,

Timothy Z. Smith
Field Manager